

A. G. Contract No. KR99-1091TRN  
ADOT ECS File No.: JPA 99-71  
Project: SR 87 @ Costco Shopping Center  
(South of Baseline Road)

**INTERGOVERNMENTAL AGREEMENT**  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF GILBERT

THIS AGREEMENT is entered into 27 July 1999, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the Town OF GILBERT, acting by and through its MAYOR and TOWN COUNCIL (the "Town")

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The Town desires a new warranted traffic signal at SR 87 @ Costco Shopping Center (South of Baseline Road), at an estimated cost of \$150,000.00, for the safety and benefit of the motoring public, hereinafter referred to as the Project. The purpose of this agreement is to define each parties responsibilities for the funding, design, construction, operation and maintenance.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. 23415  
Filed with the Secretary of State  
Date Filed: 07/27/99  
Betty Boyless  
Secretary of State  
By: Dicky V. Harnwood

**II. SCOPE OF WORK**

## 1. The Town will.

a. Provide to Town standards design plans, specifications and such other documents and services required for construction bidding and construction of the signal Project. Incorporate State review comments.

b. Call for bids and award one or more construction contracts for the signal Project. Administer same and make all payments to the contractor(s). Confer with the State on any Project related contract modifications.

c. Be responsible for all costs associated with the design and construction of the Project, at an estimated cost of \$150,000.00, including revised signing and striping and provide disabled ramps at the intersection to comply with the American Disability Acts (ADA).

d. Upon completion of the Project provide electrical energy to operate the signal, and provide maintenance to the signal.

## 2. The State will:

a. Review the Project design documents and provide comments.

b. Issue the Town a permit for the Project construction.

c. Upon completion, approve and accept the signal Project on behalf of the parties hereto.

**III. MISCELLANEOUS PROVISIONS**

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Town of Gilbert  
Town Manager  
1025 S. Gilbert Road  
Gilbert, AZ 85296-3401

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

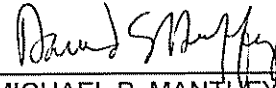
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**TOWN OF GILBERT**

**STATE OF ARIZONA**

Department of Transportation

By   
KENT COOPER  
Town Manager

By   
MICHAEL P. MANTHEY  
State Traffic Engineer

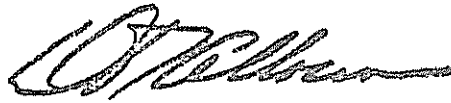
ATTEST

By   
CATHY TEMPLETON  
Town Clerk

RESOLUTION

BE IT RESOLVED on this 10th day of May 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Gilbert, for the purpose of defining responsibilities for the funding, design, construction and maintenance of traffic signals located on SR87 @ Costco Shopping Center (south of Baseline Road).

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



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DAVID R. ALLOCCO, P.E.  
Assistant State Engineer  
Engineering Technical Group

for MARY E. PETERS, Director

**MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING, TUESDAY,  
JUNE 22, 1999, AT 7:00 P.M., 1025 SOUTH GILBERT ROAD, GILBERT, ARIZONA**

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**COUNCIL PRESENT:** Vice Mayor Cathey, Councilmembers Crozier, Evans, Morrison, Presmyk and Urie

**COUNCIL ABSENT:** Mayor Dunham

**STAFF PRESENT:** Assistant Manager Pettit, Clerk Templeton, Attorney Goodwin, Planning Director Anderson, Parks and Recreation Director Ahlman, Public Works Field Operations Manager Hancock

**OTHERS:** Ed Baker, Tribune; Ashley Miller, Gilbert Independent; Edythe Jensen, Arizona Republic

**CALL TO ORDER OF REGULAR MEETING**

Vice Mayor Cathey called the meeting to order at 7:15 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation and pledge of allegiance were led by Councilmember Crozier.

**ROLL CALL**

Clerk Templeton called roll and declared a quorum present.

**PRESENTATIONS; PROCLAMATIONS**

1. Presentation of Water Ranch Park and Crossroads Park Master Plans by David Evans and Associates.

Vice Mayor Cathey advised that the presentation would be rescheduled for a future meeting due to the illness of David Evans.

**COMMUNICATIONS FROM CITIZENS**

None.

**CONSENT CALENDAR**

indexing, and software package for a Pavement Management System subject to review and approval of the Town Attorney.

This item was approved with the Consent Calendar.

**23. INTERGOVERNMENTAL AGREEMENT** - consider adoption of Resolutions approving Intergovernmental Agreements with the Arizona Department of Transportation for a traffic signal at State Route 87 and the Costco Shopping Center and State Route 87 and Desert Lane and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar. Resolution Nos. 2068 and 2069 were adopted.

**24. CONTRACT** - consider approval of a service contract with the Gilbert Chamber of Commerce in the amount of \$32,500 for FY1999-2000 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**25. CONTRACT** - consider approval an agreement with the Greater Phoenix Economic Council in the amount of \$29,779 for FY1999-2000 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**26. CHANGE ORDER** - consider approval of Change Order No. 1 with Regency Development in the amount of \$115,835.58 for the Ray Road Fire Station.

This item was approved with the Consent Calendar.

**27. SITE PLAN SP535** - consider approval of the final site plan for the Gilbert Convenience Mart located at the southwest corner of Gilbert Road and Park Avenue.

Councilmember Urie inquired about ownership, the tenant, and maintenance of the landscaping. Roger Clayton, design architect, advised the current owner is also the tenant. Councilmember Urie asked whether the applicant anticipated signage on the outside of the building. Mr. Clayton advised there would be some signage on the outside and the landscaping would be maintained by the owner. Councilmember Urie expressed concern over maintenance due to past problems. Mr. Clayton explained that the owner is enthusiastic about the solutions and wishes to change the image of the convenience store. Planning Director Anderson advised that staff is looking at a program to replace lights and Councilmember Urie questioned whether the Town could

## ADJOURNMENT

A MOTION was made by Councilmember Morrison, seconded by Councilmember Presmyk, to adjourn the meeting. *Motion carried 6-0.* Vice Mayor Cathey adjourned the meeting at 11:10 p.m.

  
Cynthia Dunham, Mayor  
Catherine A. Templeton, Town Clerk

## CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Gilbert held on the 22nd day of June, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7<sup>th</sup> day of July, 1999.

  
Catherine A. Templeton, Town Clerk

APPROVAL OF THE TOWN OF GILBERT ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF GILBERT and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 22 day of June, 1999.

Susan Goodwin  
City Attorney





STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680  
Direct: (602) 542-8837  
Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025  
FACSIMILE: (602) 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR99-1092TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED July 20, 1999.

JANET NAPOLITANO  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:et/78605

Enc.